REMARKS

This is a response to the Office Action dated 11/14/2008.

Claims 17 and 19-22 are pending. Claim 18 is cancelled. Claim 17 is amended.

Rejection under 35 U.S.C. § 112

Claims 17-22 stand rejected on the ground of indefiniteness for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The applicant has amended claim 1 to clarify the functional features of the claimed server and its being interfaced to an automated meter reading system. Reconsideration is respectfully requested.

Rejection under 35 U.S.C. § 103(a)

Claims 17-22 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. (US 5,963,146) in view of Suzuki et al. (US 5,892,912). The rejection appears to be based on missing functionality responsible for creating noninterfering groups of nodes and gateways. Without such functionality, the Examiner suggests that the claim is merely speaking to a system where interference does not occur and would be seen as obvious in light of Johnson et al., together with Suzuki et al., which the Examiner believes teach the claimed "grouping" together of a plurality of nodes and gateways to implement "non-interfering" data transfers.

Although the applicant respectfully submits that it was unnecessary to amend the claims to further express the functionality of the server, in the interest of moving prosecution forward, the applicants have incorporated the subject matter of dependent claim 18 into the independent claim 17 and have clarified the functionality performed by the server. Specifically, claim 17 has been amended to recite:

> 17. A server ***interfaced to*** a data network of an automated meter reading system, ...
>
> said server storing information related to the topology of gateways, nodes, meters, and their respective interconnections and/or interfaces in a ***topology database***,
>
> the server receiving, via the data network, meter data read from the gateways,

> the server storing first electronic data representative of meter assignments to at least one node and second electronic data electronically keyed to said first electronic data and representative of node assignments to at least one gateway,
>
> the ***server, based at least in part on the node assignments and the topology database, grouping together*** a plurality of nodes to define groups of noninterfering nodes, wherein each group of noninterfering nodes comprises a group in which (a) no inbound transmission from any node in the group interferes with any inbound transmission from any other node in the group, and (b) no inbound transmission from any meter associated with any node in the group interferes with any inbound transmission from any meter associated with any other node in the group,
>
> the ***server also, based at least in part on the node assignments and the topology databases, grouping together*** a plurality of gateways to define sets of noninterfering gateways, each set of noninterfering gateways comprising a set in which (a) no inbound transmission from any node associated with any gateway in the group interferes with any inbound transmission from any node associated with any other gateway in the group; and (b) no inbound transmission from any meter associated with any node associated with any gateway in the group interferes with any transmission from any meter associated with any node associated with any other gateway in the group, and
>
> the server broadcasting a request for meter data ***sequentially to each group of non-interfering nodes***.

(emphasis added) Thus, claim 17 has been amended to clarify that ***it is the server*** that performs the claimed grouping. The applicants are not merely claiming a system where there is no interference. Rather, the applicants are claiming a ***server*** that is "***interfaced to*** a data network of an automated meter reading system," that performs the grouping of nodes and gateways in the claimed manner, "***based at least in part on the node assignments and the topology database,***" and that then broadcasts a request for meter data "***sequentially to each group of non-interfering nodes***" so that data can be transmitted in a manner that reduces interference among the nodes. Neither Johnson nor Suzuki teaches a ***server*** that ***groups*** nodes in the claimed manner.

The Johnson et al. reference describes the use of intermediate data terminals which utilize a directional transmission system for communication with remote cell nodes. Johnson et al. also makes mention of a command signal used to control loads and provide time references for updating local clocks. The Johnson et al. reference does not appear to mention

any server that groups nodes in the claimed manner. Indeed, it appears that Johnson et al. rely on the directional transmission system to reduce signal interference. This is very different from the claimed invention, in which a server groups nodes in the claimed manner and broadcasts requests to the different groups sequentially to avoid interference. Nor does the Suzuki et al. reference cure the deficiencies of Johnson et al. For these reasons, the applicants respectfully submit that the currently amended claims overcome the obviousness rejection based on Johnson and Suzuki. Reconsideration is respectfully requested.

CONCLUSION

For all the foregoing reasons, the applicants respectfully submit that the present application is now in condition for allowance.

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/Steven B. Samuels/
Steven B. Samuels
Registration No. 37,711

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439